the first place. We learn to pray at our mother's knee, and to read while sitting on her lap.

In my view, we desperately need a serious bolstering of our national regard for the position of the family in our national life. One day we ought to take the people who do the TV programming that spews filth and violence and sex into the homes of America and shake them with legislation—and the day will come, I believe—that will teach those people that if they will not clean up their act, somebody else will do it for them.

We need more Anna Maria Reeves Jarvises and more daughters like Anna M. Jarvis, who could so effectively mobilize a nation in honor of her own heroic mother and all mothers, and we should honor the role of mothers, not only this weekend, but every day.

So this weekend, especially, let us recognize the role of motherhood, with all of the sentimentality and sweet remembrance that a day set aside for honoring unselfish love should invoke. Let us also realize that proper mothering is a tough job, with the future of our Nation riding, to a great extent, on the success of that endeavor, and let that realization guide us as we contemplate policies for an ailing society sorely in need of a strong dose of moral direction and support.

ROCK ME TO SLEEP

Backward, turn backward, O time, in your flight,
Make me a child again just for tonight!
Mother, come back from the echoless shore,
Take me again to your heart as of yore;
Kiss from my forehead the furrows of care,
Smooth the few silver threads out of my hair;
Over my slumbers your loving watch keep;—
Rock me to sleep, Mother—rock me to sleep!

Over my heart, in the days that are flown,
No love like mother-love ever has shone;
No other worship abides and endures—
Faithful, unselfish, and patient like yours:
None like a mother can charm away pain
From the sick soul and the world-weary brain.
Slumber's soft calms o'er my heavy lids creep;—
Rock me to sleep, Mother—rock me to sleep!

Tired of the hollow, the base, the untrue,
Mother, O Mother, my heart calls for you!
Many a summer the grass has grown green,
Blossomed and faded, our faces between:
Yet, with strong yearning and passionate pain,
Long I tonight for your presence again.
Come from the silence so long and so deep;—
Rock me to sleep, Mother—rock me to sleep!

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, it is always a real treat to be on the Senate floor when my friend and colleague and neighbor from West Virginia speaks. That was a very moving and eloquent statement about Mother's Day, but, of course, also about his own natural mother and also about the mother who raised him.

FAMILY FRIENDLY WORKPLACE ACT

Mr. DEWINE. Mr. President, we have been this morning, now this afternoon, talking about the issue of the Family Friendly Workplace Act. I would like to spend just a few more minutes talking about this issue.

We are proud, once again, to bring before the Senate this piece of legislation that we believe will help bring the American workplace into the 21st century. The Family Friendly Workplace Act will make our Nation's working environments more flexible, more productive and more hospitable to the changing needs of the American family.

Last week, in my opening comments about this bill, I described what we discovered in the hearings, and I use the term ''discover'' rather loosely because, really, I think we all knew what we saw in those hearings, what we heard in the Senate Labor and Human Resources Committee. The testimony was very clear that the American workplace today is a dramatically different place than it was when the underlying bill was enacted 60 years ago.

The facts are that the stereotypical roles of management and labor and of male and female workers really no longer apply. The testimony in front of our committee was that individual workers are too often faced with a brutal squeeze today, a squeeze between their duties at work, their obligations, and what they want to do with their families. This worker squeeze is so great that I believe it calls for immediate action. And this bill is that action.

The static and outdated Fair Labor Standards Act that was enacted over 60 years ago must be modified, must be changed. It must be changed to allow American workers today the flexibility that they demand, the flexibility that they want.

The facts are fairly clear. When the underlying legislation, the underlying bill was enacted in 1938, less than 16 percent of married women worked outside the home. Today, more than 60 percent of married women work outside the home. And 75 percent of mothers with school-aged children today work outside the home. And according to a survey conducted by the U.S. Department of Labor, Women's Bureau, the top concern—top concern—of working women is flexible scheduling in the workplace, flexible scheduling which will allow them to balance their responsibilities at work with the needs of their children and the needs of their families.

The chart that is behind me depicts the pattern of change the American workplace has undergone over the last 25 years. ''The Changing Labor Force Trends of Families, 1940–1995.''

Look at the complete contrast between the family structure today and the family structure as it existed in 1940—1940—only 2 years after the enactment of the Fair Labor Standards Act.

In 1940, Mr. President, 67 percent of all families had a working husband and a wife who stayed at home, what we considered in those days, the typical family. At the same time, only 9 percent of families had two working spouses. And in 1940 only 5 percent of the families were actually headed by women.

Clearly, this is no longer the case.

By 1995, only 17 percent of families had a working husband and a wife who stayed at home. And 43 percent of American families had two working spouses. And 12 percent were actually families headed by women.

Society, Mr. President, has changed. But the workplace, at least the laws governing the workplace, has not kept pace. I believe that Americans are crying out for relief. They are demanding of this Congress that we change the law, that we change the law to reflect the way people really live today.

Take for example, the Morris family. Clayton Morris—father, husband—is a public employee. As a public employee he has the option of choosing compensatory time over traditional monetary overtime pay. He gets a choice which way he wants it. He is free to spend important extra time with his 2½-year-old son Domenic, while his wife Ann, a sales assistant for a Cleveland area business form company, cannot. She is prohibited by law from having that option.

This is what Ann has said:

He [referring to her husband Clayton] has the ability if he works overtime to store [up] those hours . . . [he] can use the stored comp time to be at home where he is needed. [However, when] I need to be able to leave work, I end up having to take sick time or vacation time to do that. [That's what I have to do.] It would be really nice if I had a flexible schedule [also].

Mr. President, seemingly countless studies and surveys have pointed out time and time again that Americans overwhelmingly need, desire, want, and support a more flexible workplace schedule and the changes the Family Friendly Workplace Act would bring about.

Let me take the opportunity now to highlight what this bill will do, S. 4, and explain briefly the different provisions of the bill.

The first option of the bill we refer to as comptime. This allows workers to voluntarily—voluntarily—choose to take their overtime pay as time off instead of taking their overtime pay in money. They get the time off as opposed to taking the money. But it is the worker's choice.

Under this bill, compensation in the form of compensatory time off is paid out at the same rate as an employee's normal rate of overtime pay. That is, one-half hour of compensatory time off for every hour of overtime worked.

Mr. President, under this option employers and employees must agree to provide and receive, respectively, compensatory time in lieu of monetary overtime pay. It is an agreement, a voluntary agreement entered into by both

the employer and the employee, an agreement that does not take place under this bill or situation that does not take place unless both sides voluntarily say, ''That's what I want to do.''

Union employees do this through the collective bargaining process. Nonunion employees must do so by agreement prior to the performance of the overtime worked. The employee must enter this agreement—this is from the bill—''knowingly and voluntarily.'' A nonunion employee's decision to participate in a compensatory time off program must be in writing or must be otherwise verifiable and kept by the employer, according to the Fair Labor Standards Act's recordkeeping provision.

An employer may withdraw from his decision to provide a compensatory time off program by providing 30-day written notice to the participating employees. On the other hand, nonunion employees may withdraw by providing written notice to their employer. The terms of a union employee's withdrawal would be reflected in the collective bargaining agreement.

Mr. President, upon an employer's discontinuance of this compensatory time off policy, or on the occasion of an employee's withdrawal, the resignation or termination, an employee is then entitled to the cash equivalent of any unused comptime hours. An employee under this bill may accrue up to 240 hours of compensatory time during a 12-month period. If after the 12-month period an employee has not used his accrued time, the employer has 31 days, under the bill, to remit the cash equivalent of those hours.

An employee must be allowed to use any accrued comptime within a reasonable period, a reasonable period of time after the request is made provided that it does not duly disrupt the workplace.

Under a compensatory time-off program, an employee enjoys the preexisting protections of the Fair Labor Standards Act. These are not impacted. The underlying bill is still there. And the underlying protections are still there.

These protections include prohibitions against violation of section 7, the FLSA discrimination provision, as well as S. 4's anticoercion provision. No employee may be coerced, intimidated, or threatened to accept or deny participation in any of the bill's flexible workplace options.

To be absolutely perfectly clear, let me spell out what the penalties under this bill will be.

First, S. 4, as an amendment to section 7(r), will enjoy the already established penalties provided in the Fair Labor Standards Act. This will obviously include the new amending provision in S. 4.

The penalties are:

First, the availability of criminal penalties in the event of a willful violation;

Next, civil penalties in the event of repeated or willful violations;

They will include the remittance of unpaid overtime compensation and liquidated damages;

It will also include appropriate legal or equitable relief and liquidating damages for any retaliation by the employer against an employee who complains of or testifies about an employer's conduct, as well as attorney fees and costs to the employee who sues for retaliation.

Additionally, the Secretary of Labor may take action to acquire the employee's unpaid overtime compensation and liquidated damages.

As stated, in addition to the penalties already provided by the Fair Labor Standards Act for a violation of section 7(r), S. 4 provides additional penalties for direct and indirect intimidation, threats, and coercion. Furthermore, S. 4 dictates penalties for any violation of this anticoercion language.

Further, this bill provides for unpaid overtime compensation and liquidated damages or injunctive relief should the Secretary be required to bring a cause of action against the employer.

Mr. President, behind me is a picture, headlined ''Akron Beacon Journal,'' and ''A Juggling Act.'' It is a picture of a real family, the Morris family of Ohio, and a description that I think, in the story, tells the importance of this bill. I think this family demonstrates why we need to have this bill. Here is what it says:

> Ann Morris of Akron has to use vacation or sick days when two-year-old Domenic is sick, while her husband Clayton has the option of using comp time.

That is what this bill is about, Mr. President. This bill is about some equity and equality in the workplace. Does it make any sense to have a law today, as we do, that says to an hourly worker, who doesn't work for the Government, the Federal Government is going to prohibit you and your employer from entering into agreements that are flexible and allow you to spend more time with your family? That is what current law says today.

Current law discriminates against the person who works by the hour, and it says that in a business or in a shop, if there is a worker who works by the hour and right next to him or her is a worker who is paid salary, the person who is paid salary may have comp time or flextime, but the person who works by the hour is denied that. Does that make any sense?

In the case of this family, the discrimination exists right in that family. The husband has these benefits, has these rights; yet, the Federal law says that the wife, the mother, can't have them. What this bill does is change that and eliminates that discrimination. It says to all American workers that whether you work for the Federal Government or don't, whether you work by the hour or are salaried, as long as the employer and employee both agree, voluntarily, you can do many different things in regard to flextime and comptime and making your life easier, making it better, accommodating the workplace rules to the way people have to live today.

Mr. President, I began a few minutes ago, a discussion of the four principal parts of this bill. I talked about the comptime section. I now want to move to the second section of biweekly work schedules.

Mr. President, let me turn to the biweekly work schedules. The second option this bill provides is the biweekly work schedules. Under this option, an employee may choose to work 80 hours over 2 weeks, in any combination that that employee works out with the employer. For example, a worker may choose to work 9 hour days but, every other Friday, get the whole Friday off. Maybe that worker wants to spend time with his or her children. Maybe they want to go hunting or fishing, or maybe they don't want to do anything. They have the right to make that agreement and have that long weekend. Biweekly work schedule programs are simply another way to ensure workplace flexibility. Biweekly work schedules enable employees to craft schedules that coordinate their work obligations to go along with their personal obligations.

Mr. President, here is how it would work in practice. If an employer chooses to offer a biweekly schedule option, and if the employee elects to participate—it is purely voluntary—prior to each 2-week work period, the employer and employee will arrange a schedule for the 2-week period. Regardless of how the hours are divided, the employee will be paid overtime for working over 80 hours during the 2-week period. Again, the decision is to be made together, mutually, voluntarily.

Additionally, employees would be entitled to overtime for all hours worked that are outside that predetermined biweekly work schedule. For example, if an employee agrees to work 45 hours during the first week, 35 hours during the second week, any hours worked above 45 in the first week would, of course, be overtime, and any hours worked over 35 during the second week would also be overtime, because that is what they had agreed on. Simply, Mr. President, if an employee is required to work any additional hours above the agreed-to schedule, he gets overtime.

Let me turn to the third provision of this bill, flexible credit hours. The third option that this bill provides that is not provided under current law, Mr. President, is flexible credit hours. Under this option, an employee may choose to work additional hours. That is more than 40 hours, more than 40 hours a workweek in order to use these extra hours to shorten another week at a later date.

Biweekly schedules and flexible credit hours provide flexibility to employees who may not traditionally work a great deal of overtime. The flexible credit hour program would give more employees a greater ability to balance work with family. A flexible credit

hour program would allow an employee to bank—''to bank''—up to 50 hours over his or her regularly scheduled hours. The employee under this bill may use those banked hours at any future date to reduce the workday or a workweek.

Mr. President, when used, the flexible credit hours represent time off from work at the employee's regular rate of pay. An employee must be allowed to use accrued credit hours within a reasonable period of time following his or her request, so long as doing so will not unduly disrupt the workplace.

As is true with comptime and biweekly programs, an employer has the initial decision of whether to offer the flexible credit hour program at all. Then participation in a flexible credit hour program is, of course, voluntary on the employer's part and on the employee's part. An interested employee must elect to participate. If he or she does not, then the status quo under current law would be in effect.

Mr. President, union employees can do this in accordance with their collective bargaining agreements. Nonunion employees must submit a written or otherwise verifiable statement acknowledging his or her participation in the program. The anticoercion remedy sanctions provision which we talked about before are applicable to the comptime and biweekly schedules and are also applicable to this flexible credit program as well.

Mr. President, let me turn now to the fourth major provision of the bill clarifying Federal law.

I have talked about the three chief options provided by the bill.

Let me also point out in the interest of completeness that S. 4 also makes important clarifications in the regulations delineating the salary basis test. The bill makes it clear that the fact that a particular employee is subject to a deduction in pay for absence of less than a full workday or less than a full workweek may not be considered in determining whether that employee enjoys exempt status. Only actual reductions in pay may be considered.

Mr. President, for more than five decades the ''subject to'' language generated little or no controversy. However, in recent years courts have begun to reinterpret the salary basis test. Seizing on the phrase ''subject to'' in the regulations, large groups of employees have won multimillion-dollar judgments. These awards have been given in spite of the fact that many of the plaintiff employees have never actually experienced a pay reduction of any kind and have never expected to receive overtime pay in addition to their executive, administrative, or professional salaries.

Mr. President, included in this bill—in part to stop the large number of cases that are being brought against State and local governments—it is true that the Department of Labor attempted to solve this problem through regulations as they applied to State and local employees in 1992. This legislation in no way preempts those regulations.

The legislation also clarifies that employers may give bonuses and may give overtime payments to salaried employees without destroying their exemption from FLSA.

In summary, Mr. President, let me talk again briefly about the four provisions.

Comptime, first of all, allows workers to voluntarily choose to take their overtime pay as time off instead of as overtime pay.

Biweekly schedules, the second provision, allows workers to choose to work their 80 hours for 2 weeks in any combination that they so elect and if they agree with their employer.

Flexible credit hours, the third provision, allows workers to choose to work additional hours and to bank these hours for use as time off at some point in the future.

All of these flexible workplace options are designed to expand the choices available to working families. They are, Mr. President, completely voluntary. No employee can be forced to participate in a flexible workplace option. No employer can be forced to offer one. If any employer directly or indirectly coerces employees to participate in a particular option, the employer can be punished under the Fair Labor Standards Act, be forced to pay back wages, and maybe even face imprisonment.

Mr. President, that is what the bill would accomplish.

This bill would accomplish a real change for the betterment of the lives of working families, and the American people absolutely agree with this. A national poll conducted in September 1995 shows that the American work force endorses flexible work options. When asked, Mr. President, about a proposal to allow hourly employees the choice of time and a half in wages or time off with pay, 75 percent of the workers agree with that proposal; 65 percent said they favored more flexible work schedules.

Mr. President, according to a poll recently taken, 88 percent of all workers want more flexibility, either through scheduling flexibility or choice of compensatory time in lieu of traditional overtime pay. In that same poll, 75 percent of the workers favored changes in the law that would permit hourly workers such a choice. The evidence is overwhelming about what the American workers want.

I think these poll results square with what most of us know, frankly, intuitively. As both the economy and the American family and life grow more and more complex, the men and women in America's work force want greater flexibility to be able to cope with all of the changes that we have in life today. I think that this consensus presents us, this Senate, with a remarkable opportunity.

I look forward to working with my colleagues as we work on what should be a bipartisan approach to this bill.

Mr. President, this bill is about equity. It is about equality. It is about families such as this that are pictured behind us. Families want options. They want flexibility. This is what this bill gives them.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. Time for morning business has expired.

Mr. DEWINE. Mr. President, I ask unanimous consent for 10 additional minutes. I advise my colleagues, I do not believe I will use 10 minutes, but I ask for that in a unanimous consent at this time.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, I say to my friend from Ohio, I am in a bit of a time crunch. I need 5 minutes. I do not know what your schedule is like.

Mr. DEWINE. My colleague can proceed and I will come back at an appropriate time to finish my remarks.

Mr. DODD. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. Thank you, Mr. President.

Mr. President, I would urge my colleague not to travel too far. I was about to talk about a bill we are working on together.

Let me begin by thanking my colleague from Ohio. I will be only a few minutes here. I will try to be brief.

COMMENDING SENATOR BYRD

Mr. DODD. Mr. President, I join my colleague in commending our colleague from West Virginia. For those of us who were here on the floor of the Senate, we had the privilege once again to listen to our distinguished colleague, the senior Senator from West Virginia, eloquently describe the great institution of motherhood and its great contribution made to this great Nation.

I recommend everyone in this country, if they did not hear the Senator from West Virginia, that they might read the CONGRESSIONAL RECORD and enjoy the benefit of his remarks.

BETTER PHARMACEUTICALS FOR CHILDREN ACT

Mr. DODD. Mr. President, I rise here this morning to comment on a piece of legislation that my colleague from Ohio, Senator DEWINE, and I introduced actually a few days ago, but because of the pressing nature of the business on the floor of the Senate, did not get a chance to actually discuss it here.

I would like to describe what we have introduced and urge our colleagues to